

Regular Session, 2010

SENATE BILL NO. 587

BY SENATOR LAFLEUR

COURTS. Provides for the appointment of official court reporters. (8/15/10)

AN ACT

To amend and reenact R.S. 37:2554(D) and (F) and 2555(A) and (B) and to enact R.S. 13:10.5, relative to official court reporters; to provide relative to digital recording by official court reporters; to provide procedures, terms, conditions, and requirements; to provide relative to certification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:10.5 is hereby enacted to read as follows:

§10.5. Official court reporters; appointment

A. Notwithstanding any provisions of Chapter 32 of Title 37 of the Louisiana Revised Statutes of 1950, each judge of a city, ward, or district court shall have the authority to appoint, designate, and name an official or deputy official court reporter for the purposes of this Section.

B.(1) The court reporter shall make a verbatim record of oral court proceedings through the use of written symbols or abbreviations in shorthand or machine writing, stenomask voice recording, computer assisted technology, electronic audio recording, or any other generally recognized manner of court reporting that is acceptable and approved by the judge, using equipment

1 generally accepted in the field of court reporting and approved by the judge.

2 (2) Each city, ward, or district court that elects to preserve the record
3 of the court through the employment of an electronic recording system shall be
4 required to use a system with the following minimum capabilities: four channel
5 or track recording, concurrent record and playback with a minimum five hours
6 of recording, redundant or real time back up, archiving to compact disc
7 capability, digital video disc, universal serial bus disk device, and produced in
8 no less than MP3, MP4, and wav formats.

9 C. A court reporter engaged in electronic reporting shall be proficient
10 and knowledgeable in the operation of any and all electronic equipment chosen
11 by the judge for the purpose of recordation of testimony in the courtroom.

12 D. As used in this Section:

13 (1) "Official court reporter" is a salaried permanent or temporary
14 employee on the payroll of a court of record or parish government who is
15 certified to perform and actually performing the duties of a court reporter.

16 (2) "Deputy official court reporter" is a salaried permanent or
17 temporary employee on the payroll of a court of record or parish government
18 who is certified to perform and actually performing the duties of an interim
19 court reporter during the absence or incapacity of the official court reporter.

20 E. A court reporter appointed under this Section shall be certified in the
21 following manner:

22 (1) If not engaged in electronic reporting, by the Louisiana Board of
23 Examiners of Certified Shorthand Reporters as provided by law.

24 (2)(a) If engaged in electronic reporting, by the American Association
25 of Electronic Reporters and Transcribers.

26 (b) The board shall issue a certificate to a court reporter appointed
27 under this Section upon proof of passage of the American Association of
28 Electronic Reporters and Transcribers examination.

29 (c) However, a court reporter certified by the Louisiana Board of

1 Examiners of Certified Shorthand Reporters may engage in electronic reporting
2 if, within a two-year period commencing on August 15, 2010, or the date of
3 appointment, whichever is later, such court reporter obtains certification from
4 the American Association of Electronic Reporters and Transcribers.
5 Additionally, a court reporter who has been certified by the Louisiana Board
6 of Examiners of Certified Shorthand Reporters in any method of reporting,
7 whether shorthand, machine writing, stenomask voice recording, computer
8 assisted technology, or other means, or who have received limited certification
9 granted pursuant to any intergovernmental agreement between a court and the
10 board, and who is performing duties for a court of record using electronic
11 reporting as a means of making the verbatim record of court proceedings as of
12 August 15, 2010, shall be deemed certified in electronic reporting and
13 transcribing, and shall not be required to obtain further certification as an
14 electronic reporter and transcriber as long as they remain employed by the
15 same court of record and are using generally acceptable electronic equipment
16 recognized in the field of court reporting and approved by the judge of the court
17 of record.

18 F. In order to maintain licensure, a court reporter appointed under this
19 Section shall be required to obtain at least twelve continuing education credits
20 during a period of two consecutive calendar years in courses approved by the
21 board.

22 G. A court reporter appointed under this Section shall be limited to
23 providing transcripts of court proceedings at the direction of the presiding
24 judge or by local court rule and shall be prohibited from serving as a general
25 or freelance reporter, except as provided by law. Such court reporter shall have
26 authority to certify and confirm the integrity of any and all transcripts of
27 proceedings from the court for which they are appointed. The presiding judge
28 shall oversee and supervise such court reporter to insure the proper recordation
29 of testimony and transcription of any testimony taken during a court

1 proceeding.

2 H. For the purposes of this Section, "general or freelance reporter" shall
3 mean a person engaged in the reporting and transcribing of depositions, sworn
4 statements, or public hearings or proceedings, whether self-employed or
5 through any business, firm, corporation or agency, engaged in the reporting of
6 depositions, sworn statements, or public hearings or proceedings.

7 I. The provisions of this Section shall not be applicable to the Fifteenth
8 Judicial District Court, Nineteenth Judicial District Court, the Orleans Parish
9 Civil District Court, the Orleans Parish Criminal District Court, the New
10 Orleans First and Second City Courts, the New Orleans Municipal and Traffic
11 Courts, and on and after the effective date of its creation, the Forty-First
12 Judicial District Court.

13 Section 2. R.S. 37:2554(D) and (F) and 2555(A) and (B) are hereby amended and
14 reenacted to read as follows:

15 §2554. Qualifications; examinations; certificates

16 * * *

17 D. The board shall in no way restrict the use of electronic equipment to
18 certificate holders hereunder in the performance of their duties, but shall exclude the
19 use of all electronic recording equipment, except stenomask **and digital recording**
20 **equipment**, to all applicants at the time and place of examination.

21 * * *

22 F. The board shall promulgate by rule a procedure to convert to the certified
23 court reporter, or C.C.R., certificate, all certificates previously issued by the board,
24 including the certified shorthand reporter, or C.S.R., and the certified general
25 reporter, or C.G.R., certificates, which remain in effect subject to the regulatory
26 authority of the board pending conversion. The board may also establish by rule
27 appropriate designations by which the various capabilities of certified court reporters
28 may be identified, including the system of shorthand reporting under which a
29 certificate holder is certified, the means by which a certificate was obtained, and

1 other criteria by which the public may be better informed in contracting for
2 shorthand reporting services. The board shall further promulgate by rule
3 procedures for issuing a certificate to a court reporter appointed pursuant to
4 R.S. 13:10.5 upon proof of passage of the American Association of Electronic
5 Reporters and Transcribers examination.

6 * * *

7 §2555. Definitions

8 A. The "practice of shorthand reporting" is defined as the making, by written
9 symbols or abbreviations in shorthand or machine writing, or stenomask voice
10 recording or digital recording, of a verbatim record of any oral court proceeding,
11 sworn statement, public hearing, deposition, or proceeding.

12 B. The "practice of court reporting" is defined as the making of a verbatim
13 record of any oral court proceeding, sworn statement, public hearing, deposition, or
14 related proceeding by the use of written symbols or abbreviations in shorthand or
15 machine writing, stenomask voice recording or digital recording, computer assisted
16 technology, or other means. A "certified court reporter" is a person certified to
17 engage in the practice of court reporting as provided for in R.S. 37:2554, including
18 the practice of shorthand reporting.

19 * * *

The original instrument was prepared by Michelle Ducharme. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Linda Nugent.

DIGEST

LaFleur (SB 587)

Proposed law provides that notwithstanding the laws and regulations governing certified shorthand reporters, each judge of a city, ward, or district court shall have the authority to appoint, designate, and name an official court reporter or deputy official court reporter.

Proposed law requires the court reporter to make a verbatim record of oral court proceedings through the use of written symbols or abbreviations in shorthand or machine writing, stenomask voice recording, computer assisted technology, electronic audio recording, or any other generally recognized manner of court reporting that is acceptable and approved by the judge, using equipment generally accepted in the field of court reporting and approved by the judge.

Proposed law provides that a court electing to preserve the record through employment of

an electronic recording system shall use a system with the following minimum capabilities: four channel or track recording, concurrent record and playback with a minimum five hours of recording, redundant or real time back up, archiving to compact disc capability, digital video disc, universal serial bus disk device, and produced in no less than MP3, MP4, and wav formats.

Proposed law requires that the official court reporter be proficient and knowledgeable in the operation of any and all electronic equipment chosen by the judge for the purpose of recordation of testimony.

Proposed law provides that an appointed court reporter not engaged in electronic reporting shall be certified by the Louisiana Board of Examiners of Certified Shorthand Reporters and a court reporter engaged in electronic reporting shall be certified by the American Association of Electronic Reporters and Transcribers.

Proposed law requires the board to issue a certificate to an appointed court reporter upon proof of passage of the American Association of Electronic Reporters and Transcribers examination and the board is further required to promulgate by rule procedures for issuing such certificate.

Proposed law authorizes a certified court reporter to engage in electronic reporting if, within a two year period commencing on August 15, 2010, or the date of appointment, whichever is later, such court reporter obtains certification from the American Association of Electronic Reporters and Transcribers. Additionally, a court reporter who has been certified by the board in any method of reporting, or who has received limited certification granted pursuant to any intergovernmental agreement between a court and the board, and who is performing duties for a court of record using electronic reporting as a means of making the verbatim record of court proceedings as of August 15, 2010, shall be deemed certified in electronic reporting and transcribing, and shall not be required to obtain further certification as long as they remain employed by the same court and are using generally acceptable electronic equipment recognized in the field of court reporting and approved by the judge.

Proposed law places limitations on the official court reporter by prohibiting the official court reporter appointed under proposed law from serving as a general or freelance reporter, except as provided by law.

Proposed law provides that the official court reporter shall have authority to certify and confirm the integrity of all transcripts of proceedings from the court for which he is appointed.

Proposed law requires the presiding judge to oversee and supervise the official court reporter.

Proposed law mandates that the official court reporter appointed shall obtain at least twelve continuing education credits during a period of two consecutive calendar years in courses approved by the board.

Proposed law defines "general or freelance reporter" as a person engaged in the reporting and transcribing of depositions, sworn statements, or public hearings or proceedings, whether self-employed or through any business, firm, corporation or agency, engaged in the reporting of depositions, sworn statements, or public hearings or proceedings.

Proposed law excludes the following from provisions of proposed law: the 15th JDC, the 19th JDC, the Orleans Parish Civil District Court, the Orleans Parish Criminal District Court, the New Orleans First and Second City Courts, the New Orleans Municipal and Traffic Courts, and on and after the effective date of its creation, the Forty-First Judicial District Court.

Present law (R.S. 37:2554) excludes electronic recording equipment, except for stenomasks,

for use in the examination for certification.

Proposed law retains present law and additionally authorizes the use of digital recording equipment for examination purposes.

Proposed law adds digital recording to eligible methods to practice court reporting.

Effective August 15, 2010.

(Amends R.S. 37:2554(D) and (F), 2555(A) and (B); adds R.S. 13:10.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Provides for the manner of certification for court reporter engaged in electronic reporting.
2. Provides for definition of "official court reporter" and "deputy official court reporter".
3. Changes continuing education credits from six to twelve and requires courses to be approved by the board.
4. Requires the board to certify court reporters upon passage of the American Association of Electronic Reporters and Transcribers exam and to promulgate rules based on the procedures for issuing such certificate.
5. Authorizes the use of digital recording equipment by applicants during the certification examination.
6. Adds digital recording to the eligible methods of the practice of court reporting.
7. Excludes certain courts from proposed law provisions authorizing certification of court reporters in the use of electronic recording.

Senate Floor Amendments to engrossed bill.

1. Requires a court electing to employ an electronic recording system to use a system with certain minimum capabilities.
2. Excludes the 15th JDC from proposed law.